



Board of Commissioners

July 25, 2019

6:30 PM

City Hall – Massie Chambers

Agenda:

1. Call to order by the Mayor.

Prayer

Pledge of Allegiance

2. Roll call by the Recorder.

3. Reading of the minutes of the July 11, 2019 regular meeting of the Board of Commissioners by the Recorder for approval or correction.

4. Comments from citizens.

5. Comments of the City Manager and staff.

6. Reports and comments from committees, members of the Board of Commissioners and other officers.

7. Old Business.

- a. Consider Ordinance 19-943, an ordinance to amend the City of Goodlettsville Municipal Code Title 7, Chapter 3 by deleting Chapter 3 in its entirety and replacing it with a new Chapter 3, as it relates to Fire Services. **SECOND READING**

8. New Business.

- a. Consider Ordinance 19-944, an ordinance to amend the City of Goodlettsville Municipal Code Title 3, Chapter 4 by deleting Section 402 in its entirety as it relates to Electronic Citation Regulation and Fines. **FIRST READING**

- b. Consider Ordinance 19-945, an ordinance to amend the City of Goodlettsville Municipal Code Title 15, by creating a new Chapter 9, as it relates to shareable dockless mobility devices. **FIRST READING**

- c. Consider Resolution 19-857, a resolution to support the adoption of federal legislation during the 116th Session of the United States Congress known as "The Safe Freight Act of 2019" or House Resolution 1748 and calling for the Tennessee General Assembly to also support said legislation.

- d. Consider Resolution 19-858, a resolution authorizing the City Attorney to file any necessary appeals in regards to zoning ordinance violations.

9. Adjournment.

For more information regarding this agenda, please contact the city recorder by email at:

abaker@goodlettsville.gov

A government committed to operating with efficiency and integrity in all we do as we strive to enhance the quality of life for the community we serve.

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ORDINANCE NO. 19-943

AN ORDINANCE TO AMEND THE CITY OF GOODLETTSVILLE MUNICIPAL CODE TITLE 7, CHAPTER 3 BY DELETING CHAPTER 3 IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 3, AS IT RELATES TO FIRE SERVICES.

WHEREAS, it has been determined that certain changes to the City of Goodlettsville Municipal Code as it relates to the fire department need to be made.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE, THAT THE CITY OF GOODLETTSVILLE MUNICIPAL CODE TITLE 7, CHAPTER 3 IS AMENDED AS FOLLOWS:

SECTION I. That a new Chapter 3 is hereby created entitled:

FIRE DEPARTMENT.

7-301. Establishment and equipment. There is hereby established a fire department to be supported and equipped from appropriations by the board of commissioners. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief appointed by the city manager and such number of subordinate officers and firemen as the city manager shall appoint.

7-302. Objectives. The fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable.
- (7) Provide first responders for emergency medical care at the highest level that the equipment and training of the personnel makes practical.
- (8) The investigation of the cause, origin and circumstances of fires, arson, false alarms calls, and bomb threats

¹Charter references

For detailed charter provisions governing the operation of the fire department, see Tennessee Code Annotated, Title 6, Chapter 21, Part 7. For specific provisions in part 7 related to the following subjects, see the sections indicated.

Fire chief

Appointment: § 6-21-701.

Duties: § 6-21-702.

Emergency: § 6-21-703.

Fire marshal: § 6-21-704

Firemen

Appointment: § 6-21-701.

Emergency powers: § 6-21-703.

Tennessee Code Annotated reference:

Special privileges with respect to traffic: 55-8-108.

7-303. Emergency Powers.

- (a) When any fire department or company recognized as duly constituted by the commissioner of commerce and insurance pursuant to § 68-102-108 is requested to respond to a fire, hazardous materials incident, natural disaster, service call, or other emergency, it may, regardless of where the emergency exists, proceed to the emergency site by the most direct route at the maximum speed consistent with safety. While responding to, operating at, or returning from such emergency, the chief of the responding fire department or company, or any member serving in capacity of fire officer-in-charge, shall also have the authority to:

- (1) Control and direct the activities at the scene of the emergency;
- (2) Order any person or persons to leave any building or place in the vicinity of such scene for the purpose of protecting such person or persons from injury;
- (3) Blockade any public highway, street or private right-of-way temporarily while at such scene;
- (4) Trespass at any time of the day or night without liability while at such scene;
- (5) Enter any building or premises, including private dwellings, where a fire is in progress, or where there is reasonable cause to believe a fire is in progress, for the purpose of extinguishing the fire;
- (6) Enter any building or premises, including private dwellings, near the scene of the fire for the purpose of protecting the building or premises, or for the purpose of extinguishing the fire that is in progress in another building or premises;
- (7) Inspect for preplanning all buildings, structures, or other places in the chief's fire district, except the interior of a private dwelling, where any combustible material, including waste paper, rags, shavings, waste, leather, rubber, crates, boxes, barrels, rubbish, or other combustible material that is or may become dangerous as a fire menace to such buildings, structures, or other places has been allowed to accumulate, or where such chief or the chief's designated representative has reason to believe that such combustible material has accumulated or is likely to accumulate;
- (8) Direct without liability the removal or destruction of any fence, house, motor vehicle, or other thing, if such person deems such action necessary to prevent the further spread of the fire;

(9) Request and be furnished with additional materials or special equipment at the expense of the owner of the property on which the emergency occurs, if deemed necessary to prevent the further spread of the fire or hazardous condition; and

10) Order disengagement or dis耦lement of any convoy, caravan, or train of vehicles, craft, or railway cars, if deemed necessary in the interest of safety of persons or property.

- (b) When any fire department or company responds to any emergency outside its fire district, however, it shall at all times be subject to the control of the fire chief or designated representative in whose district the emergency occurs. [Acts 1921, Ch. 173, art. 19, § 3; Shan. Supp., § 1997a234; Code 1932, § 3632; T.C.A. (orig. ed.), § 6-2135; Acts 1975, Ch. 166, § 2; Acts 1993, Ch. 171, § 1.]

7-304. Fire Marshal. The city manager may appoint a fire marshal whose duty shall be, subject to the chief of the fire department, to investigate the cause, origin, and circumstances of fires and the loss occasioned thereby, and assist in the prevention of arson. [Acts 1921, Ch. 173, art. 19, § 4; Shan. Supp., § 1997a235; Code 1932, § 3633; T.C.A. (orig. ed.), § 6-2136.]

7-305. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department, under the direction of the city manager.

7-306. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports on those matters to the city manager as the city manager requires. The city manager shall submit a report on those matters to the board of commissioners as they may require.

7-307. Tenure and compensation of members. The chief shall hold office so long as conduct and efficiency are satisfactory to the city manager. All disciplinary action of the chief and staff members shall be done in accordance to the City of Goodlettsville Personnel Policy and the City of Goodlettsville Municipal Code.

The compensation of all officers and employees of the fire department shall be fixed by the city manager within the limits of the appropriations ordinance and in accordance with a comprehensive pay plan adopted by the board of commissioners.

7-308. Chief responsible for training and maintenance. The chief of the fire department shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the city manager.

7-309. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the fire chief is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof.

SECTION 2. This ordinance shall take effect fifteen (15) days from and after its final passage, the public welfare requiring it.

MAYOR JEFF G. DUNCAN

Passed: _____

Passed: _____

CITY CLERK

APPROVED AS TO LEGALITY AND FORM:

CITY ATTORNEY

ORDINANCE NO. 19-944

AN ORDINANCE TO AMEND THE CITY OF GOODLETTSVILLE MUNICIPAL CODE TITLE 3, CHAPTER 4 BY DELETING SECTION 402 IN ITS ENTIRETY AS IT RELATES TO ELECTRONIC CITATION REGULATION AND FINES.

WHEREAS, the City of Goodlettsville Municipal Code Title 3, Chapter 4 is set to sunset on September 26, 2019 in accordance to 14-821; and

WHEREAS, the Tennessee Code Annotated allows for the Electronic Citations and Fines to be extended in perpetuity; and

WHEREAS, the City of Goodlettsville Board of Commissioners has determined it is in the best interest of the city that the Title 3 Chapter 4 be extended.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE, THAT THE CITY OF GOODLETTSVILLE MUNICIPAL CODE TITLE 3, CHAPTER 4 IS AMENDED AS FOLLOWS:

SECTION I. Section 402 be deleted in its entirety

SECTION 2. This ordinance shall take effect fifteen (15) days from and after its final passage, the public welfare requiring it.

MAYOR JEFF G. DUNCAN

Passed: _____

Passed: _____

CITY CLERK

APPROVED AS TO LEGALITY AND FORM:

CITY ATTORNEY

ORDINANCE NO. 19-945

AN ORDINANCE TO AMEND THE CITY OF GOODLETTSVILLE MUNICIPAL CODE TITLE 15, BY CREATING A NEW CHAPTER 9, AS IT RELATES TO SHAREABLE DOCKLESS MOBILITY DEVICES.

WHEREAS, it has been determined that certain changes the City of Goodlettsville Municipal Code as it relates to sharable dockless mobility devices (scooters) currently exist; and

WHEREAS, such changes would preserve the public peace, health, and safety of the residents of the City of Goodlettsville, Tennessee.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE, THAT THE CITY OF GOODLETTSVILLE MUNICIPAL CODE TITLE 15 IS AMENDED AS FOLLOWS:

Section 1. Title 15 – Motor Vehicles, Traffic and Parking of the Code of the City of Goodlettsville, Tennessee is hereby amended by inserting a new Chapter 9 entitled “Shareable Dockless Mobility Devices”, as follows:

(a) Purpose. The purpose of this Ordinance is to prohibit Shareable Dockless Mobility Devices from being placed in the public right-of-way or on public property, operated in the public right-of-way or on public property, or offered for use anywhere in The City of Goodlettsville. This will allow for safe pedestrian traffic flow and will protect the traveling public.

(b) Definitions. For purposes of this Ordinance, the following terms, phrases, words, and their derivatives shall have the meanings set forth in this section.

(1) “Shareable Dockless Mobility Device” means any dockless wheeled device, whether it be human powered, electric, or otherwise motorized, that permits an individual to move or be moved freely, including but not limited to a bicycle, scooter, or skateboard; is accessed via an on-demand portal, whether a smartphone application, membership card, or similar method; is operated by a private entity that owns, manages, and maintains devices for shared use by members of the public; and is available to members of the public in unstaffed, self-service locations.

(2) “Dockless” means that the device does not require the individual user to return and lock the device to an authorized fixed station once the user has completed their use of the device.

(c) General Requirements. It is unlawful to park, leave standing, leave lying, abandon, or otherwise place a shareable dockless mobility device in a public right-of-way or on public property anywhere within the City of Goodlettsville. It is unlawful to operate a shareable dockless mobility device in a public right-of-way or on public property anywhere within The City of Goodlettsville. It is unlawful to provide or offer for use a shareable dockless mobility device anywhere within the City of Goodlettsville.

(d) Notice. Notice shall be mailed by certified mail to the registered agents of any and all companies currently operating shareable dockless mobility devices within The City of Goodlettsville upon the adoption of this Ordinance. Said companies shall be given ten (10) days to remove all shareable dockless mobility devices, after which, any such devices found in the public right-of-way or on public property shall be in violation of this Ordinance.

(e) Violations; Impoundment. Violations of this Ordinance shall be punishable by a fine of \$50.00 per day of the offense. Police officers, parking enforcement officers, code enforcement officers, and any party contracted by the City of Goodlettsville to specifically impound shareable dockless mobility devices are

authorized to impound any shareable dockless mobility device that has been offered for use, placed in a public right-of-way or on public property, or operated in a public right-of-way or on public property in violation of this Ordinance. The impoundment shall be subject to an initial impound fee of \$40.00 and a daily storage and administration fee, as applicable, of \$5.00

(1) Once a shareable dockless mobility device has been impounded as provided for in subsection (e), The City of Goodlettsville or a designated officer shall make a good-faith attempt to determine the name and address of the owner of such device by serial number, vehicle identification number (VIN), or such other means as are reasonably ascertainable through inspection of the exterior of such device. In those cases where the name and address of the owner of the subject vehicle are determined, written notice shall be sent to said owner by certified mail, return receipt requested, or by personal service acknowledged by signature of the registered owner or other responsible party. Notice by certified mail as described herein shall be deemed given as of the postmark date. The written notice required by this section shall contain the following:

- (a) A description of the subject vehicle, including serial numbers, vehicle identification number, or other identifying information;
- (b) The name and address of the owner of such vehicle;
- (c) The dates and descriptions of the parking violations that establish the grounds for impoundment, the unpaid amounts of the civil penalties for each violation, and the process by which the device(s) may be reclaimed. A copy of each parking ticket or other document providing the required information attached to the notice shall be sufficient to satisfy this requirement.

Where multiple devices owned by the same company are impounded on a single day, a single notice listing all impounded devices is sufficient;

(2) A shareable dockless mobility device towed and impounded under sub-section (e) may be released from such impoundment only upon payment in full of all impound and storage fees accrued. After paying such fees, a registered owner or other responsible person may contest the validity of the towing and impoundment of his or her vehicle by submitting in writing a Request for Reimbursement of Towing and Impoundment Fees to the City of Goodlettsville Municipal Court on a form available from the Clerk of the City of Goodlettsville Municipal Court. Such notice shall either be filed in person at the office of the Clerk of the City of Goodlettsville Municipal Court, or sent by certified mail, return receipt requested, in either case no later than thirty (30) days following the release from impoundment of his or her vehicle. Only requests for reimbursement of impoundment fees meeting the requirements of this section shall be adjudicated by the Goodlettsville Municipal Court. If the Municipal Court finds that the towing and impoundment was not authorized or that the provisions of this Code were not followed, he or she shall issue an order for reimbursement. Such reimbursement shall be limited to the fees actually paid for release of the subject vehicle from impoundment, plus certified mailing fees, if any.

(3) Shareable dockless mobility devices that are not reclaimed within one hundred twenty (120) days of impound pursuant to the procedures outlined in sub-paragraph (2) shall be deemed at that time to be abandoned and discarded by the owner thereof and shall thereafter be disposed of pursuant to written policies established by the City Manager or their designee.

Section 2. It is the intention of the Board of Commissioners and it is hereby ordained by the authority of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of the City

of Goodlettsville, Tennessee and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

Section 3. If any section, subsection, provision, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Commission that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 4. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. This ordinance shall take effect fifteen (15) days from and after its final passage, the public welfare requiring it.

MAYOR JEFF G. DUNCAN

Passed: _____

Passed: _____

CITY CLERK

APPROVED AS TO LEGALITY AND FORM:

CITY ATTORNEY

RESOLUTION 19-857

A RESOLUTION TO SUPPORT THE ADOPTION OF FEDERAL LEGISLATION DURING THE 116th SESSION OF THE UNITED STATES CONGRESS KNOWN AS "THE SAFE FREIGHT ACT OF 2019" OR HOUSE RESOLUTION 1748 AND CALLING FOR THE TENNESSEE GENERAL ASSEMBLY TO ALSO SUPPORT SAID LEGISLATION.

WHEREAS, the City of Goodlettsville currently experiences many freight trains that travel through the city on a daily basis on the CSX Jacksonville to Chicago route, and

WHEREAS, it is imperative to make sure that all locomotives are being operated safely to prevent the chance of derailments or other accidents; and

WHEREAS, the cargo of each locomotive oftentimes consists of hazardous chemicals that would create an inherent danger to our community is spilled or released, and

WHEREAS, where as one of the safe guards to assist in preventing derailments and hazardous chemical spills is the adequate staffing of all locomotives, and

WHEREAS, the Safe Freight Act of 2019 would mandate locomotive staffing levels that would greatly reduce the chances of derailments and chemical spills.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE THAT THE BOARD EXPRESSES ITS SUPPORT FOR THE PASSAGE OF THE "THE SAFE FREIGHT ACT OF 2019" OR HOUSE RESOLUTION 1748, DURING THE 116th SESSION OF THE UNITED STATES CONGRESS.

BE IT FURTHER RESOLVED THAT THE CITY OF GOODLETTSVILLE COMMISSION CALLS ON THE STATE OF TENNESSEE GENERAL ASSEMBLY TO ALSO PASS SIMILAR SUPPORTIVE LEGISLATION OF "THE SAFE FREIGHT ACT OF 2019".

THIS ACTION IS EFFECTIVE UPON PASSAGE BY THE BOARD OF COMMISSIONERS.

Mayor Jeff G. Duncan

City Recorder

Approved as to form and legality

City Attorney

Passed July 25, 2019

RESOLUTION 19-858

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE ANY NECESSARY APPEALS IN REGARDS TO ZONING ORDINANCE VIOLATIONS.

WHEREAS, on occasion the City of Goodlettsville may have the need to file certain appeals to violations of the adopted zoning ordinances of the city; and

WHEREAS, when such violations of the adopted zoning ordinances have occurred, it is in the best interest of the city to appeal rulings that do not coincide with the said ordinance; and

WHEREAS, for the well being of all citizens of the City of Goodlettsville, such appeals should occur in order to preserve the quality of life of the city.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE THAT THE CITY ATTORNEY IS AUTHORIZED TO FILE ANY NECESSARY APPEALS IN REGARDS TO ZONING ORDINANCE VIOLATIONS.

THIS ACTION IS EFFECTIVE UPON PASSAGE BY THE BOARD OF COMMISSIONERS.

Mayor Jeff G. Duncan

City Recorder

Approved as to form and legality

City Attorney

Passed July 25, 2019